

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

CRP.No. 989 of 2006()

AGAINST THE ORDER DATED 18/10/2006 IN EP.NO.49/2006 IN
OS.17/2005 of SUB COURT, QUILANDY

.....

REVN. PETITIONERS/ RESPONDENTS

1. K.P.ABDUL MAJEED,
S/O.AYAMMED KUTTY,
U.D.CLERK, AM HIGH SCHOOL, POOVAMBAYI,
P.O.KINALUR, KINALUR AMSOM, DESOM,
KOYILANDY.

2. K.V.ABDULLA, S/O.KALANTHAN,
HAS, A.M.HIGH SCHOOL, POOVAMBAYI,
P.O.KINALUR, KINALUR AMSOM, DESOM,
KOYILANDY TALUK.

BY ADV. SRI.MOHANAN V.T.K.
SRI.P.NARAYANAN

RESPONDENT/ PETITIONER

M/S.STATE BANK OF TRAVANCORE,
BALUSSERY BRANCH, REP. BY MANAGER.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 17/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON I.A.NO.3477/06 IN CRP 989/06

DISMISSED

17/1/2007

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

SHW to Judge.

M.SASIDHARAN NAMBIAR,J.

C.R.P .NO.989 OF 2006

Dated 17th January 2007

ORDER

Petitioners are judgment debtors and respondent the decree holder. For realisation of decree debt in O.S.17/05 respondent filed E.P.49/06 contending that in spite of sufficient means, petitioners are refusing to pay the decree debt. As per order dated 18/10/2006 executing court ordered arrest of petitioners. It is challenged in this petition filed under Section 115 of Code of Civil Procedure.

2. Learned counsel appearing for petitioners and respondent were heard.

3. Argument of learned counsel appearing for petitioners is that petitioners sought payment of decree debt in instalments and learned Sub Judge should have granted permission to pay the decree debt in instalments. Learned counsel appearing for respondent submitted that decree was granted in 24/5/2005 and in such circumstance, petitioners are

not entitled to get instalment facility especially when decree does not provide for payment in instalments.

4. Hearing learned counsel appearing for petitioners and respondent, in the interest of justice, petitioners are permitted to pay the entire decree debt in 12 equal monthly instalments, first instalment falling on 12/2/2007. It is made clear that if petitioners commit default in payment of any two instalments, executing court to proceed by arrest and detention of the petitioners.

Revision petition is disposed accordingly.

**M.SASIDHARAN NAMBIAR,
JUDGE.**

uj.